

1 David Rucker P-29892  
 2 P.O. Box 689 DW-113U  
 3 Soledad, CA 93950

4 IN THE UNITED STATES DISTRICT COURT  
 5 FOR THE NORTHERN DISTRICT OF CALIFORNIA

6 David Rucker, et.al )  
 Plaintiff )

No. C08-1497JSW (PR)

7 v. )

REQUEST FOR APPOINTMENT  
 OF COUNSEL

8 Ben Curry, Warden )  
 Defendant )

10 I, David Rucker, declare that I am a plaintiff to the  
 11 aboved-referenced matter, that I am incarcerated at Correctional  
 12 Training Facility, Soledad California.

13 In accordance with the Federal Rules of Civil Procedure, Rule 23,

14 "One or more members of a class may sue or be sued as  
 15 representative parties on behalf of all only if (1) the class is  
 16 so numerous that joinder of all members is impracticable, (2)  
 17 there are questions of law or fact common to the class, (3) the  
 18 claims or defenses of the representative parties are typical of  
 19 the claims or defenses of the class, and (4) the representative  
 20 parties will fairly and adequately protect the interests of the  
 21 class." An action may be maintained as a class action if the  
 22 above subdivision are satisfied.

23 Plaintiff's request the court to issue an order certifying this  
 24 action as a class action, and issue the appointment of class  
 25 counsel under Rule 23(g).

26 I hereby request that counsel be appointed in this matter so  
 27 that the plaintiffs and close B custody inmate population here at  
 28 the Correctional Training Facility, Central Facilities interests

FILED  
 08 MAY 21 PM 12:42  
 U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA


1 may be protected by the professional assistance required.

2 This request is being made in accordance with the courts  
3 decision to dismiss several plaintiff's in this petition.

4 Because plaintiffs are prisoners in a state prison, we are unable  
5 to represent each other in a Class Action Lawsuit. This action  
6 was filed as a class action from the beginning, and plaintiff's  
7 would like it to remain as such.

8 Plaintiff are also unable to afford to pay for their on counsel  
9 to represent the issues in this matter.

10 I declare under penalty of perjury that the foregoing is true  
11 and correct and this declaration was executed on May 19, 2008, at  
12 Soledad, California.

13   
14 **David Rucker**  
15 **Plaintiff Pro-Se**  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28